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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/287,985 | 04/07/1999 | DEAN J. BLACKKETTER | 14531.82.4 | 6935 |

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EXAMINER

SRIVASTAVA, VIVEK

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2611

DATE MAILED: 09/25/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/287,985

Applicant(s)

BLACKKETTER ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

After careful consideration, the Examiner submits that the amendments to the independent claims does not overcome the rejections of record and thus does not place the application in condition for allowance. The Examiner apologizes for submitting in the previous interview that the amendments would overcome the rejections of record.

Applicant's argue that Zigmond fails to disclose "monitoring at the one or more receivers a data service channel of a broadcast signal for a script trigger, *wherein the script trigger includes a second resource identifier and a script which contains executable code*" and "thereafter, *running the executable code of the script* on the one or more receivers, upon receipt of the script trigger, if the second resource identifier matches the first resource identifier of the stored information resource."

The Examiner respectfully disagrees. In the previous office action, the Examiner equated the claimed script to the attribute/value pairs that will be used later on to decide whether or not to merge the batch mode and real-time link, egg, by using the "priority" attribute/value, as described in column 11 lines 16-25. The Examiner submits that the "priority" attribute/value meet the claimed executable code limitation since a code is simply a symbol or rule for instructing a computer. The priority attribute/value code instructs as to whether the batch mode and real time link are to merged or not.

Further, it should be noted that a "script", as defined in applicant's specification, is a attribute/value pair. In particular, applicant's specification discloses "A script attribute, formatted as [script:string], provides a script or script fragment execute within the context of the

page identified by the URL (see page 14 lines 1 – 15. It is clear that the script attribute pair is being executed. As a result and after careful consideration, the Examiner submits that Zigmond discloses the amended limitation and anticipates claims 1, 11, 19 and 27 – 29.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 8-13, 15-19, 23-24 and 27 - 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond (6,400,407).

Regarding claims 1 and 19, Zigmond discloses an apparatus and method for communicating logical addresses in a data channel of a video signal, wherein:

Storing, in a receiver, an information resource identified by a first resource identifier is shown in Figure 6 (635), and described in column 10, lines 38-49. Here, the information resource is a batch mode link and its associated attribute/value pairs; and the batch mode link is identified by its URL, as described in column 7, lines 66-67.

Monitoring at the one or more receivers a data service channel of a broadcast signal for a script trigger, wherein the script trigger includes a second resource identifier and a script is described in column 10, lines 50-52. The data service channel is the VBI channel of the

broadcast signal. The "script trigger" is the real-time link of the same format as the batch mode link described in column 7, lines 66-67. The second "resource identifier" is the URL of the real-time link, and the "script" is the associated attribute/value pairs that will be used later on to decide whether or not to merge the batch mode and real-time link, egg, by using the "priority" attribute/value, as described in column 11, lines 16-25. Therefore, the "script" updates the information resource as required by the claim since it contains the values that indicate whether an update is to be performed or not.

Thereafter, running the executable code of the script on the on ore more receivers, upon receipt of the script trigger, if the second resource identifier matches the first resource identifier of the stored information resource is described in column 10, lines 6-67, and column 11 lines 1-25.

The script trigger complies with a predetermined syntax is described in column 7, lines 7-8. Note: the caption and text is met by column 6 line 64 – column 7 line 8.

A machine-readable medium having stored thereon data representing sequences of instructions, wherein the instructions, when executed by a processor, cause the processor to display an information resource identified by the first resource identifier is described in column 11, lines 1-15, wherein the EPG displays both the batch mode and real-time links.

Regarding claim 2, Zigmond discloses an apparatus and method, as claimed, wherein displaying the information resource stored in memory is described in column 11, lines 8-15.

Regarding claims 8-9, 23, Zigmond discloses an apparatus, method and computer program product, as claimed, wherein, displaying a video portion of the broadcast signal, wherein the script trigger synchronizes the information resource with the video portion of the

broadcast signal, and induces an enhancement of the information resource is shown in Figure 5, and described in column 9, lines 2-22, and column 7, lines 40-54. As described in the references cited above, the broadcast video is received and displayed on TV. At the same time, the logical link containing the URL and attribute/value pairs is extracted from the data service channel and an indication is provided to the viewers. The viewers may then select to view the content pointed to by the logical link concurrently with the TV broadcast, as described in column 3, lines 63-65. Further, since the script trigger or real time link is provided with the video, i.e. Seinfeld link is provided with Seinfeld video programming, the script trigger is synchronized to be provided with it's associated video programming.

Regarding claims 10, 24, Zigmond discloses an apparatus, method and computer program product, as claimed, wherein the first and second resource identifiers are URL's are described in column 7, lines 7-8, and 66-67. The URL is used to uniquely identify each batch mode or real-time link.

Regarding claim 11, Zigmond discloses an apparatus and method, as claimed, wherein: synchronizing a broadcast signal an information resource simultaneously residing on a plurality of remote receivers is described in the reference cited for claims 8-9.

The method comprising:

- (a) embedding a script in a data service channel. The script trigger includes a resource identifier and a script which contains executable code for updating the information resource by running the executable code of the script at the remote receivers when the script trigger is received at the remote receivers is

met by that discussed above and in column 10 lines 6 – 67 and column 11 lines 1 – 25.

(b) a broadcast signal;

is described in references cited for claims 1, 19, 21

Regarding claim 12, Zigmond discloses an apparatus and method, as claimed, wherein the signal is broadcast to a second plurality of receivers, and wherein the information resource does not reside on the second plurality of receivers is shown in Figure 5, and described in column 8, lines 65-67, and column 9, lines 1-28. This is in contrast to Figure 7, where the information resource resides in the receivers, and upon receiving the real-time links, the logical link merging logic chooses between available logical links based upon predefined rules.

Regarding claim 13, Zigmond discloses an apparatus and method, as claimed, wherein the data service channel is a captioning service channel is described in column 6, line 67, and column 7, lines 1-6.

Regarding claims 15-16, Zigmond discloses an apparatus and method, as claimed, wherein the broadcast signal is NTSC video signal including a text or data service channel is described in column 5, lines 63-67, and column 6, lines 1-10.

Regarding claim 17, Zigmond discloses an apparatus and method, as claimed, wherein the broadcast video signal is selected from a group consisting of PAL, SECAM, HDTV, DVB, or ATSC is described in column 4, lines 23-32.

Regarding claim 18, Zigmond discloses an apparatus and method, as claimed, wherein generating a checksum for the resource identifier and the script and inserting the checksum into the script trigger is described in column 7, lines 7-8, and lines 66-67.

Claims 27 – 29 are met by that discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 14, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond, in view of Douglass (6,021,426).

Regarding claims 3-7, 14, 22 and 25 Zigmond discloses an apparatus and method, as claimed, wherein the resource information is a logical link containing a URL and associated attribute/value pairs. The system processes the attribute/value pairs, such as title, priority, data and time, and presents the viewers with the relevant logical link which the viewers may select to view the content.

Zigmond does not disclose;

The information resource is a web page;

The information resource comprise tags that define the context of the resource, wherein the script modifies the context;

The web page includes a second script;

The script is a fragment of a second script resident on the information resource;

The script fragment comprises a command to the second script;

The script passes a value to the second script.

Douglis discloses an apparatus and method for dynamic data transfer on a web page, wherein an original web page is defined as a combination of a static and a dynamic portion with the dynamic portion is indicated by a tag "VAR" and "DYNAMICS". Once the original web page is downloaded; the static portion remains unchanged; and the dynamic portion may be updated as needed. Thus, here:

The information resource (or, as referred to in the claims as the second script) is the original web page containing both static and dynamic portion, and it is described is column 3 line 45 – column 4 line 34;

The information resource comprises tags that define the context of the resource is also described in column 3 line 45 – column 4 line 34;

The script modifies the context of the information resource (or the script modifies the context of the second script);

The script is a fragment of a second script resident on the information resource;

The script fragment comprises a command to the second script;

The script passes a value to the second script;

is described in column 3, lines 55-65, and column 4, TABLE 1 (the value of time and count under tag <DYNAMICS> in the dynamic portion);

It would have obvious to one having ordinary skill in the art at the time the invention was made to modify Zigmond to include installing a web page containing a static and dynamic portion; and then updating the dynamic portion as needed, as disclosed by Dougliis, to enable content providers and/or broadcasters to provide viewers with the most updated information based on viewers' viewing preferences.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.

The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS 9/15/03



VIVEK SRIVASTAVA
PRIMARY EXAMINER